

500.32032CC6

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: K. MATSUBARA, et al.

Serial No.: 09/132,085

Filed: August 10, 1998

For: DATA PROCESSING APPARATUS HAVING A  
FLASH MEMORY BUILT-IN WHICH IS  
REWRITABLE BY USE OF EXTERNAL DEVICE**RECEIVED**

Group: 2818

JUN 13 2002

Examiner: V. Le

OFFICE OF THE SPECIAL  
PROGRAMS EXAMINERPETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENTAssistant Commissioner for Patents  
Washington, D.C. 20231

June 6, 2002

Sir:

Applicants, through their undersigned representative, petition for the withdrawal of the erroneous holding of abandonment in connection with the above-identified application. Applicants have recently learned that the above-identified application was abandoned for failure to pay the required Issue Fee within the statutory period of three-months from the mailing date of December 9, 1999 of a Corrected Notice of Allowance. However, neither that Corrected Notice of Allowance of December 9, 1999, nor the Notice of Abandonment, mailed June 19, 2000, were received in the offices of the undersigned due to an error on the part of the United States Patent and Trademark Office (USPTO) in connection with the

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JUN - 6 2002

undersigned's mailing address. (It is also noted that prior to the mailing of the above-referred to Corrected Notice of Allowance, an earlier Notice of Allowance was mailed on June 7, 1999. However, that earlier Notice of Allowance was also not received in the offices of the undersigned due to an error on the part of the USPTO in connection with the undersigned's mailing address.)

At the time of filing of the above-identified application, a Customer Number was included in the Utility Patent Application Transmittal (Form PTO/SB05) as it relates to the above-identified application. This Customer Number, it is noted, was provided in the correspondence address portion of that transmittal form, a copy of which is enclosed herewith as Exhibit A. This Customer Number, it is submitted, pertains to the new address of the offices of the undersigned, which is:

Antonelli, Terry, Stout & Kraus, LLP.,  
Suite 1800  
1300 North Seventeenth Street  
Arlington, VA 22209

It is understood, according to U.S. practice, that the designation of a Customer Number in an application is controlling in terms of the correspondence address that is to be used by the USPTO, in case of multiple addresses. It is stated in MPEP §601.04, that "[u]nless the correspondence address is designated as the address associated with a Customer Number, a separate notification must be filed in each application for which a person is intended to receive

communication from the Office." §601.04 of the MPEP also states that " [s]pecial care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application." It also states that "applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current corresponding address." With regard to the above-identified application, which was filed as a continuation application, it is noted that the immediately prior, parent application, Serial No. 08/941,254, now USP 5,844,843, contains into the official record thereof a Change of Correspondence Address transmittal directing the USPTO to employ the address corresponding to the Customer Number 020457, which Customer Number is the same as that provided in the transmittal papers (Exhibit A) of the subject application. Copies of the Change of Correspondence Address transmittal associated with the prior, parent application and USPTO mailroom stamped postcard receipt directed thereto are enclosed herewith as Exhibits B and C (please note attorney docket number 500.32032CC5 in Exhibit B relates to Serial No. 08/941,254, now USP 5,844,843.)

Noting that the change of correspondence address in the prior application is reflected by a Customer Number, in

accordance with USPTO Customer Number practice (see MPEP §403), and since this Customer Number was also provided in the correspondence address location of the Utility Patent Application Transmittal of the above-identified subject application, at least the minimum correspondence address identification requirements of applicants, as it relates to the subject application, have been met thereby ensuring that any and all future communications from the USPTO are mailed to the above-noted current correspondence address.

To reiterate, according to present USPTO policy, "any inconsistencies between the correspondence address resulting from a Customer Number being provided in an application for the correspondence address and any other correspondence address provided in that application would be resolved in favour of the address of the Customer Number," MPEP §403 (see page 403, second paragraph, left hand column of the manual.) Therefore, since a Customer Number has been appropriately provided at the time of filing the subject application, even though the copy of the original declaration contains an old address therein, it is understood that the address associated with the Customer Number provided is controlling if the Customer Number relates to a different (e.g., new) address.

In reviewing copies of the Notice of Allowability, the Notice of Allowance, and Notice of Abandonment papers obtained from the official file in the USPTO directed to the subject

application, via a Power to Inspect and Make Copies transmittal, it is noted that the correspondence address used therein, by the USPTO, is the old address contained in the original declaration, which old address is as follows:

Antonelli, Terry, Stout and Kraus  
Suite 600  
1919 Pennsylvania Avenue NW  
Washington, DC 20006.

As is clearly seen, the USPTO failed to apply the correct new address associated with the submitted Customer Number in all of those papers, which new address is as follows:

Antonelli, Terry, Stout & Kraus, LLP.,  
Suite 1800  
1300 North Seventeenth Street  
Arlington, VA 22209

Copies of the Notice of Allowability (PTOL-37) and Notice of Allowance, dated June 7, 1999, as well as the follow-up corrected Notice of Allowance, dated December 9, 1999, which re-set the three-month period for payment of the Issue Fee to be due instead on March 9, 2000, and the Notice of Abandonment, dated June 19, 2000, are attached hereto as Exhibits D, E, F and G, respectively. During the recent inspection of the official record of the subject application, kept in the USPTO, it was discovered that the USPTO mailed out a further communication on March 14, 2000, pertaining to an earlier filed IDS. It is noted that this further USPTO communication similarly contains the below-named Law Firm's old address. A copy of that

communication is also attached thereto as Exhibit H.

Apparently, due to the improper correspondence address on the above-referred to Notice of Allowability, Notice of Allowances and Notice of Abandonment papers, and, further, on the communication of March 14, 2000, these papers were not received in the office of the undersigned, namely, the offices of the below-named Law Firm.

The below-named Law Firm contains both a computer and manual docket system in which the Notice of Allowance and Notice of Allowability would have been docketed. If the above referred-to original Notice of Allowance of June 7, 1999 (Exhibit E) as well as the follow-up corrected Notice of Allowance of December 9, 1999 (Exhibit F) were received in the offices of the undersigned, an entry for the subject application would have been entered on the page (of our Firm's docket book) for the Issue Fee due date, that is on the page for September 7, 1999 with regard to the originally mailed Notice of Allowance and on the page for March 9, 2000 with regard to the corrected Notice of Allowance. A copy of the page for September 7, 1999 as well as a copy of the page for March 9, 2000 are attached hereto as Exhibits I and J, respectively.

As can be appreciated, no entry for the subject application (docket number 500.32032CC6) appears in connection with each of those dates. A careful inspection of the computer printout (Exhibit K) directed to the subject application also makes no

mention of the above-referred to Notice of Allowability, the two Notice of Allowances, and the Notice of Abandonment nor, for that matter, of the further communication of March 14, 2000. It is clearly apparent, therefore, that none of those papers were received in the offices of the undersigned, apparently, due to an incorrect address employed by the USPTO.

Since the Notice of Allowance and Notice of Allowability were not received in the offices of the undersigned, the application was erroneously abandoned. Accordingly, acceptance of this Petition as well as withdrawal of the erroneous holding of abandonment is respectfully requested.

It is also respectfully requested that a new Official Notification of Allowability (Notice of Allowance and Notice of Allowability) be mailed to applicants using the above-noted new correspondence address and including a newly-set three-month period for paying the Issue Fee. It is also respectfully requested that the communication of March 14, 2000 (relating to Exhibit H) with the wrong correspondence address, such as noted above, be mailed again to applicants using the above-noted correct address in order to complete the record. In this connection, also, it is respectfully requested that an acknowledgment be mailed regarding the formal entry and consideration therefor, by the Examiner, of all prior filed Information Disclosure Statements (IDSs) not yet acknowledged, using the correct correspondence address, including the IDSs )

of: April 2, 1999; July 30, 1999; Nov. 10, 1999 and Aug. 14, 2000.

Incidentally, applicants are concurrently filing herewith a further IDS (Information Disclosure Statement) directed to art documents cited in a recent Office Action in connection with a counterpart Japanese Patent Application. Acceptance and formal entry thereof is respectfully requested.

Kindly charge any shortage in the fees due in connection with the filing of this paper, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (500.32032CC6), and please credit any excess fees to such deposit account.

Respectfully submitted,  
Antonelli, Terry, Stout, & Kraus, LLP.

Larry N. Anagnos  
Reg. No. 32,392

LNA/dks  
703-312-6600

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JUN -6 2002  
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List of Exhibits

Exhibit A: Utility Patent Transmittal Form (PTO-SB/05)

Exhibit B: Change of Correspondence Transmittal form  
in prior, parent application

Exhibit C: Mailroom stamped postcard receipt re Change  
of Correspondence Transmittal dated Sept.  
30, 1997

Exhibit D: Notice of Allowability (June 7, 1999)

Exhibit E: Notice of Allowance (June 7, 1999)

Exhibit F: Corr. Notice of Allowability (Dec. 9, 1999)

Exhibit G: Notice of Abandonment (June 19, 2000)

Exhibit H: PTO Communication (March 14, 2000)

Exhibit I: Copy of Sept. 7, 1999 - Docket page

Exhibit J: Copy of March 9, 2000 - Docket page

Exhibit K: Computer printout of activity re docket  
number 500.32032CC6

## EXHIBIT

PENGAD Bayone, N.J.

Please type a plus sign (+) inside this box → 

PTO/SB/05 (12/97)

Approved for use through 09/30/00. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCEUTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 500.32032CC6 Total Pages

First Named Inventor or Application Identifier

Kiyoshi Matsubara, et al.

Express Mail Label No.

JC 12 U.S.P.T.O.  
08/10/98  
12085

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 202311.  Fee: \$1,416.006.  Microfiche Computer Program (Appendix)

Please charge any shortage in the fees or credit any over-payment thereof to the deposit account of Antonelli, Terry, Stout & Kraus, Deposit Account No. 01-2135.

7. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

- a.  Computer Readable Copy
- b.  Paper Copy (identical to computer copy)
- c.  Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

2.  Specification incl. 41 Total Pages [86]8.  Assignment Papers (cover sheet & document(s))3.  Drawing(s) (35 USC 113) [Total Sheets 25]9.  37 CFR 3.73(b) Statement (when there is an assignee)  Power of Attorney

4. Oath or Declaration Total Pages [2]

10.  English Translation Document (if applicable)a.  Newly executed (original or copy)11.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations (L-S & AE-AK only in Form PTO-1449)b.  Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed)  
(Note Box 6 below)12.  Preliminary Amendment  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)L  DELETION OF INVENTOR(S)13.  Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b).14.  Small Entity  Statement filed in prior application  
Statement(s)  Status still proper and desired5.  Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)16.  Other: Claim for foreign priority.....  
.....

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

 Continuation  Divisional  Continuation-In-Part (CIP) of prior application No: 08,941,254

## 18. CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Label

020457

(Note: Customer No. or Attach bar code label here)

|   |   |          |        |
|---|---|----------|--------|
| 11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED |   |          |        |
| NAME  | Larry N. Anagnos  |          |        |
| SIGNATURE   |  |          |        |
| DATE  | August 10, 1998   | REG. NO. | 32,392 |

ANTONELLI, TERRY, STOUT &amp; KRAUS, LLP

SUITE 1800

1300 NORTH SEVENTEENTH STREET  
ARLINGTON, VIRGINIA 22209TELEPHONE  
(703) 312-6600  
FACSIMILE  
(703) 312-6666  
E-MAIL  
omell@antonelli.comRECEIVED  
JUN - 6 2002  
TECHNOLOGY CENTER 2800



**CHANGE OF  
CORRESPONDENCE ADDRESS**  
*Application*

Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Application Number

Filing Date

September 30, 1997

First Named Inventor

Kiyoshi Matsubara, et al

Group Art Unit

2315

Examiner Name

K. Kim

Attorney Docket Number

500.32032CC5

Please change the Correspondence Address for the above-identified application to:



Customer Number

020457

Type Customer Number here

PATENT &amp; TRADEMARK OFFICE



020457

OR

|   |       |     |
|---|-------|-----|
| <input type="checkbox"/> Firm or<br>Individual Name |       |     |
| Address   |       |     |
| Address   |       |     |
| City  | State | ZIP |
| Country   |       |     |
| Telephone   | Fax   |     |

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the :

- Applicant.
- Assignee of record of the entire interest.  
Certificate under 37 CFR 3.73(b) is enclosed.
- Attorney or agent of record .

EXHIBIT

PENGADILAN NARABERATAN

B

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JUN - 6 2002  
TECHNOLOGY CENTER 2800

Typed or  
Printed Name

Larry N. Anagnos, Registration No. 32,392

Signature

September 30, 1997

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**EXHIBIT**

PENGAD Bayonne, N.J.

Patent  Trademark  500.32032CC5

Serial No. \_\_\_\_\_ Filed Sept. 30, 1997

Applicant(s) K. Matsubara, et al.

Papers filed herewith on September 30, 1997

Fees \$ 1,078.00  Assignment  
cont.  
 New Application under 37 CFR 1.60 of appln.  Letter to Draftsman  
 Amendment Ser. No. 08/524,107  Priority Documents  
 Notice of Appeal  Petition for Ext. of Time  
 Appeal Brief  ~~MAX 172~~ Sheets of Formal Drawings  
 Other R60 transm. form in dupl. (incl. copy of title pg., spec., cls., abstr., draw'gs. [Figs. 1A-25B] and declar.); Prel. Req. to Amd. the draw'gs. & att'd. red-lined prints; IDS & PTO-1449 & copy of ref's. listed therein; and Chg. of Corresp. Add.

Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS

46552/LNA





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

PENGAD - Bayonne, N.J.

EXHIBIT

D

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
| 09/132,085         | 08/10/98    | MATSUBARA             | K 500-32002006      |

MM41/0607

ANTONELLI TERRY STOUT & KRAUS  
SUITE 600  
1919 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20006

EXAMINER

LE. V

ART UNIT

PAPER NUMBER

2818

8

DATE MAILED: 06/07/99

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to a response filed on 3/29/99.

The allowed claim(s) 1-41 are \_\_\_\_\_.

The drawings filed on 8/10/98 are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

Notice of References Cited, PTO-892  
 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ *Leanne*  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  
 Notice of Informal Patent Application, PTO-152  
 Interview Summary, PTO-413  
 Examiner's Amendment/Comment  
 Examiner's Comment Regarding Requirement for Deposit of Biological Material  
 Examiner's Statement of Reasons for Allowance

Vu A. Le  
Primary Examiner



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

EXHIBIT

E

PENGADILAN N.Y.

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MM4170607

ANTONELLI TERRY STOUT & KRAUS  
SUITE 600  
1919 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20006

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT                | DATE MAILED   |
|-----------------|-------------|--------------|--|---------------|
| 09/132,065      | 08/10/98    | 041          | L.E. V<br>35 USC 154(b) term ext. = 0 Days | 2818 06/07/99 |

First Named Applicant MATSUBARA.  
TITLE OF INVENTION DATA PROCESSING APPARATUS HAVING A FLASH MEMORY BUILT-IN WHICH IS REWRITABLE BY USE OF EXTERNAL DEVICE

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEES DUE  | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|-----------|----------|
| 500.32032006      | 365-185.240    | 007       | UTILITY     | NO           | \$1210.00 | 09/07/99 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

1. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
2. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY



UNITED STATES DEPARTMENT OF  
Patent and Trademark Office

EXHIBIT

F

PENGAD Bayonne, N.J.

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

\*\*CORRECTED COPY\*\*

MM41/1209

ANTONELLI TERRY STOUT & KRAUS  
SUITE 600  
1919 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20006

| APPLICATION NO.                     | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED   |
|-------------------------------------|-------------|--------------|-----------------------------|---------------|
| 09/132,085                          | 08/10/98    | 041          | LE, V                       | 2818 12/09/99 |
| First Named Applicant<br>MATSURARA. |             |              | KIYOSHI                     |               |

TITLE OF INVENTION  
DATA PROCESSING APPARATUS HAVING A FLASH MEMORY BUILT-IN WHICH IS REWRITABLE BY USE OF EXTERNAL DEVICE

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEES DUE  | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|-----------|----------|
| 2 500.32032006    | 365-185.240    | U67       | UTILITY     | NO           | \$1210.00 | 03/09/00 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

I. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B-Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

II. All communications regarding this application must give application number and batch number.  
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

***'IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.***

PATENT AND TRADEMARK OFFICE COPY

**EXHIBIT**

PENGAD - Bayonne, N.J.

G

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
|--------------------|-------------|-----------------------|---------------------|

09/132, 085 08/10/98 MATSUBARA

K

500.32032006

7542/0619

ANTONELLI TERRY STOUT & KRAUS  
SUITE 600  
1919 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20006

EXAMINER

LE, V

ART UNIT

PAPER NUMBER

2824

DATE MAILED:

06/19/00

13

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.

A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_ month(s)) which expired on \_\_\_\_\_.

A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.

The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.

The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.

No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

**ABANDONMENT**  
**CONTACT PERSON IS:**  
**TOM HAWKINS**  
**305-8380**

**EXHIBIT**

PENGAD - Bayonne, N.J.

H



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NO.

FIRST NAMED INVENTOR

ATTORNEY DOCKET NO.

09/132085

08/10/98

MATSUBARA

K

500.32032CC6

EXAMINER

Vu Le

LE, V

ART UNIT

PAPER NUMBER

2824  
2824

12

DATE MAILED:

03/14/00

Please find below a communication from the SUPERVISORY EXAMINER in charge of this application.

Commissioner of Patents

**DECISION ON PETITION UNDER 37 CFR §1.97 FOR CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT**

The petition filed November 10, 1999 under 37 CFR §1.97(d) for consideration of an information disclosure statement filed after allowance has been:

[ X ] GRANTED.

[ ] DENIED.

- [ ] It was filed after payment of the issue fee. See 37 CFR §1.97(d)(2).
- [ ] It was filed after the patent grant.

The petition lacks:

- [ ] The required fee under 37 CFR §§1.97(d) and 1.17(i)(1).
- [ ] A proper certification as specified in 37 CFR §§1.97(d) and 1.97(e).
- [ ] The information disclosure statement has been placed in the file and made of record but will not be considered by the examiner.

[ X ] IDS CONSIDERED.

The examiner has considered the IDS. See accompanying copy of PTO 1449, or Paper No. \_\_\_\_\_.

RICHARD ELMS  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2800

RECEIVED  
JUN - 6 2002  
TECHNOLOGY CENTER 2800

J  
SEPTEMBER

7

TUESDAY

## EXHIBIT

PENGARD - Bayonne, N.J.

I

1999 10th day - 115 days follow

520.26730X1 5396603 ~~Passenger~~ 9/8  
520.33WU5V02 Yamashita 0307066 ~~Passenger~~ UND 9/7  
" " ~~form draw~~ IDS  
520.35800X01 Nakamura 662130 ~~Passenger~~ UND 9/7  
475.24960X00 Borsi 736696 ~~Passenger~~ aeo 9/7  
" " ~~form draw~~ aeo \$10  
501.27930V07 Murakami 035104 ~~Passenger~~ WS 9/7  
520.33A58X00 Asai 363331 ~~Passenger~~ CUS/OSL/9/7  
" " ~~form draw~~ C1310SC ~~jump~~  
501.34084X03 Kano 103162 ~~Passenger~~ MK 9/7  
" " ~~form draw~~ MK 7/1  
501.36358X00 Kotayashi 833706 ~~Passenger~~ CUS 9/7  
612.30185X00 Steiner 1066936 ~~Passenger~~ aeo 9/7  
" " ~~form draw~~ 7/1 aeo  
508.35217X02 Sakahashi 827596 ~~Passenger~~ UND 9/7  
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618.35897X00 Tomihama 998002 ~~Passenger~~ UND 9/7  
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503.341044W1 Ago 063487 ~~Passenger~~ WS 9/7  
219.37072X00 Yooi 03773 ~~Passenger~~ P's 9/7  
" " ~~form draw~~ P's 7/63 ✓  
555.36470X00 FILE C/P AES10Jm  
775.37273X00 TONDERO IDS AES AV  
  
520.34117X00 manuda 547763 ~~Passenger~~ CUS/OSL 9/7  
" " ~~form draw~~ CUS/OSL 9/7  
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" " ~~form draw~~ GEN 9/7  
612.55877X00 Lebas 994991 ~~Passenger~~ aeo/dm 9/7  
" " ~~form draw~~ aeo/dm ✓ 9/7  
321.35584X00 TIDEWATER 894380 ~~Passenger~~ DES/9/9/97  
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503.35585X00 Sakahashi 912832 ~~Passenger~~ CUS 9/7  
" " ~~form draw~~ CUS 9/7  
300.27020V07 Murakami 035104 ~~Passenger~~ WS 9/7  
503.30144C10 FILE DIVAPP CUS ✓  
520.34117X00 ROLL 1 WEEK file cont app MK/RS ✓  
220.31547100 TODAMA NEW APP 7134 ✓ d/1  
022.37551100 NEW APP 1461392 PRA ✓ d/1  
167.3752X00 OH NEW APP X14511 P98/ETUS DES d/1  
767.37563X00 Choi X1470/P98/ETUS New APP d/1 ✓  
  
9/7/99 RJP

87.3682X00 KWAR. PASEROM/USTNS NEW APP D/1 DES

SEPTEMBER

7

TUESDAY

1999 250th day - 115 days follow

~~503.35585X00 issue fee~~

~~503.35585X00 formal Draw.~~  
~~filed today~~

~~501.34199X00 - IF due  
took signed PTO 85A to Dktg. on 1/2.~~

~~Jila today -~~

~~503.35585X00 - IF, Corrected form Draw &  
Change of address~~

~~500.32032CC7- 312 Amtt~~

## EXHIBIT

PENGADILAN N.D.I.

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THURSDAY

9

MARCH

503.352287X00 2 dayans 00000 Uppalay Eng Eng PJS 1219  
500.32576-X02 Yasuda 7412698 Regan Eng PJS  
500.36289200 Onomoto D860411 Not Eng Eng JPA 110  
320.34619223 Koyabu 978538 Regan Eng Eng CIB  
512.357192X1 Nohara 958936 Regan Eng Eng 1219  
24.36238X00 2 Nozomoto 092003 Electric Eng CIB/CHEM  
201.35730V4 Nohara 957732 Gas Eng CIB  
500.35853X00 Mita 975670 Gas Eng CIB/HHR  
648.351230X1 KOKUBUN 774908 Regan Eng CIB  
500.36365X00 Setoguchi 101388 Regan Eng CIB  
00.32746X00 Mita 1900350 Regan Eng CIB

(012.37921X00 BOUCHEZ RE0000 IDS DUE AE V

QPM  
3/9/00

503.38281X00 DOT P47591mt MK

506.38367X00 GAWAIA NEW APP HC148801 2000 PUS-A

THURSDAY **9** MARCH

2000 69th day - 297 days follow

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|        |   |                       |           |               |           |           |           |         |              |          |
|--------|---|-----------------------|-----------|---------------|-----------|-----------|-----------|---------|--------------|----------|
| OPER   | WSM   | ENTERED               | 3/26/1999 | MARRED        | 5/8/2002  | ATTORNEYS | LNA / LNA | PT      | PRINTED ON:  | 6/4/2002 |
| ATSK#  | 500.32032CC6  | CNTRY                 | US        | UNITED STATES |           | NEW/CON   | CON       | RELATED | 500.32032CC5 |          |
| PATS#  | P07707US2   | TYPE                  | UTL       | SERIAL#       | 132,085   | PATENT#   |           | STAT    | PENDING      |          |
| TITLE  | DATA PROCESSING APPARATUS HAVING A BUILT-IN FLASH MEMORY WHICH IS REWRITABLE BY USE OF AN EXTERNAL DEVICE |                       |           |               |           |           |           |         | RL/FM        |          |
| CLIENT | 500   | ASAMURA PATENT OFFICE |           |               | 1         | CREF      | SE        | ART     |              |          |
| AGENT  |   |                       |           |               | AREF      | CLAIMS    |           |         |              |          |
| PRIOR  |   | MAIL                  |           | FILE          | 8/10/1998 | PUBL      | ISSUE     | EXP     | 1ST          |          |

| ID                                       | O | ACTION           | BASE | DUE IN     | DUE | EXTNS     | FINAL | EXT       | RESPONSE | CALL      | 1  | 2 | P     |
|--|---|------------------|------|------------|-----|-----------|-------|-----------|----------|-----------|----|---|-------|
| RE                                       | N | RESPONSE TO OA   |      | 11/30/1998 | 3M  | 2/28/1999 | 31    | 5/30/1999 | 1        | 3/29/1999 | 1M | Y | Y N   |
| RESPONSE/PET OF TIME/TERMINAL DISCLAIMER |   |                  |      |            |     |           |       |           |          |           |    |   |       |
| ID                                       | N | IDS FILED        |      | 4/2/1999   |     |           |       |           |          |           |    |   | Y Y N |
| ID                                       | N | IDS DUE          |      | 8/7/1999   | 0M  | 8/7/1999  |       | 8/7/1999  | 0        | 7/30/1999 | 1M | Y | Y N   |
| ID                                       | N | IDS DUE          |      | 5/12/2000  | 3M  | 8/12/2000 |       | 8/12/2000 | 0        | 8/14/2000 | 1M | Y | Y N   |
| ID                                       | Y | IDS'S FILED      |      | 9/20/2000  |     |           |       |           |          |           |    |   |       |
| ID                                       | Y | POWER TO INSPECT |      | 5/8/2002   |     |           |       |           |          |           |    |   |       |
| ID                                       | N | IDS DUE          |      | 6/26/2002  | 0M  | 6/26/2002 |       | 6/26/2002 | 0        |           | 1M | Y | Y N   |

#### INVENTORS

MATSUBARA, KIYOSHI

#### PRIOR APPLICATIONS

| REFERENCE#   | CNTRY | SERIAL# | FILED | TITLE / DESCRIPTION   | TYPE |
|--------------|-------|---------|-------|---|------|
| 500.32032CC5 | US    | 941,254 |       | DATA PROCESSING APPARATUS HAVING A BUILT-IN FLASH MEMORY WHICH IS REWRITABLE BY USE OF AN EXTERNAL DEVICE | APPL |

#### NOTES

02/24/99 FX/COMMS INSTR TO FILE TERMINAL DISCLAIMER  
 04/01/99 FAX/COMMS RE FILING IDS  
 06/28/99 LTR/IDS  
 06/12/00 LTR/IDS  
 4/29/02 LTR/IDS

